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Central Towing & Transport, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

WILLIAM J. WHITSITT,

Plaintiff,

Case Number: C-08-2139-BZ

v.

WHEATFALL, et al.

Defendants.

DECLARATION OF NICOLE SCHAA

1, Nicole Schaa, declare as follows:

1. I am over 18 years of age and a dispatcher of Central Towing & Transport, LLC (“Central Towing”), one of the named defendants in this action. I have personal knowledge of the facts contained in this declaration and, if called as a witness, could and would competently testify thereto.

2. At about 2:40 p.m. on March 23, 2008, I received a call from the Dublin Police for the towing of a vehicle at the intersection of Davona Drive and Alcosta Boulevard in Dublin.

3. I contacted Tim Poole, Central Towing's tow truck driver, and asked him to perform the tow pursuant to the Dublin Police's order.

DECLARATION OF NICOLE SCHAA IN SUPPORT OF MOTION TO DISMISS

1 4. I did not know or have any reason to question whether the location of the vehicle
2 was within the City of Dublin or an adjacent city.

3 5. When performing my job duties at Central Towing, I always follow the
4 instructions given by the police when they order a tow.

5
6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct.

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9 Dated: July 7, 2008

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12 _____
13 NICOLE SCHAA
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DECLARATION OF NICOLE SCHAA IN SUPPORT OF MOTION TO DISMISS

DECLARATION OF SERVICE

William J. Whitsitt v. Wheatfall, et al.

Case Number C-08-2139-BZ

I, Carmen Ott, declare and say:

I am over the age of eighteen years and not a party to the within action. My business address is 2201 Walnut Avenue, Suite 200, Fremont, California, 94538.

On July 8, 2008, I caused to be served the following documents described as:

DECLARATION OF NICOLE SCHAA

on the interested parties in this action by placing a true and correct copy thereof in a sealed envelope addressed as follows:

**William J. Whitsitt
335 West Clover Road
Tracy, California 95376**

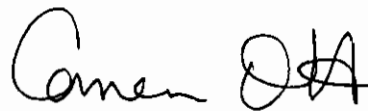
— (by personal service): I caused such envelope to be delivered by hand to the above address(es).

— (by facsimile): I caused the above-referenced document(s) to be transmitted to the above-named persons at each of their respective facsimile numbers listed above, a copy of which is attached hereto.

— (by overnight courier): I caused the above-referenced document(s) to be delivered to an overnight courier service for delivery to the above address(es).

XX (by mail): I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one (1) day after the date of deposit for mailing in the affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed on July 8, 2008.



Carmen Ott

DECLARATION OF NICOLE SCHAA